

Express Mail Mailing Label No. EV 334229855 US

REQUEST FOR CONTINUED EXAMINATION (RCE) TRANSMITTAL

ADDRESS TO: Mail Stop RCE

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

Application No.	09/841,325
Filing Date	April 24, 2001
First Named Inventor	Modell
Group Art Unit	3737
Examiner Name	Smith, Ruth S.
Attorney Docket No.	MDS-009CN

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JUN 11 2004
TECHNOLOGY CENTER R3700

This is a Request for Continued Examination (RCE) under 37 C.F.R. § 1.114 of the above-identified application.

NOTES

RCE v. CPA: 37 C.F.R. § 1.114 is effective on May 29, 2000. If the above-identified application was filed prior to May 29, 2000, applicant may wish to consider filing a continued prosecution application (CPA) under 37 C.F.R. § 1.53(d) instead of a RCE to be eligible for the patent term adjustment provisions of the AIPA.

FEE AND SUBMISSION REQUIRED: A submission as used in this section includes, but is not limited to, an information disclosure statement, an amendment to the written description, claims, or drawings, new arguments, or new evidence in support of patentability. If reply to an Office action under 35 U.S.C. 132 is outstanding, the submission must meet the reply requirements of § 1.111 (see 37 C.F.R. 1.114 (c)).

RCE APPLIES TO: An application in which prosecution is closed (see 37 C.F.R. § 1.114 (b)).

RCE DOES NOT APPLY TO: (1) A provisional application; (2) an application for a utility or plant patent filed under 35 U.S.C. 111(a) before June 8, 1995; (3) an international application filed under 35 U.S.C. 363 before June 8, 1995; (4) an application for a design patent; or (5) a patent under reexamination (see 37 C.F.R. 1.114(e)).

1. SUBMISSION REQUIRED UNDER 37 C.F.R. § 1.114

- a. ☐ Enter and consider the unentered amendment under 37 C.F.R. § 1.116 previously filed on ____.
- b. ☐ Consider the arguments in the Appeal Brief or Reply Brief previously filed on ____.
- c. ☒ Amendment/Response enclosed.
- d. ☐ Affidavit(s)/Declaration(s) enclosed.
- e. ☒ Information Disclosure Statement (IDS) enclosed.
 - i. ☒ PTO-1449
 - ii. ☒ Copies of IDS Citations
- f. ☐ Other _____

2. RCE FEE REQUIRED UNDER 37 C.F.R. § 1.114

- a. ☒ Small entity status
 - i. ☒ was established in the prior nonprovisional application.
 - ii. ☐ is established herewith by the enclosed written assertion of entitlement to small entity status.
- b. ☒ A Petition and Fee in the amount of \$55.00 for Extension of Time for 1 month up to and including 6/18/04 is enclosed herewith.
- c. ☒ A check in the amount of \$440.00 and a check in the amount of \$198.00 are enclosed, including \$385.00 for RCE, \$55.00 for a one month extension of time, and \$198.00 for excess claim fees.
- d. ☐ The Commissioner is hereby authorized to charge the required fee(s), i.e., \$____, to Deposit Account No. 20-0531.
- e. ☒ The Commissioner is hereby authorized to credit overpayments or charge any additional fees required for this submission under 37 C.F.R. §§ 1.16 and 1.17 to Deposit Account No. 20-0531.

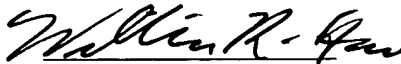
05/28/2004 CNGUYEN 00000025 09841325

01 FC:2801

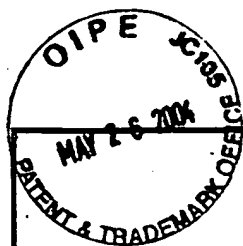
385.00 OP

3. MISCELLANEOUS

- a. ☒ Return Receipt Postcard enclosed.
b. ☒ Other Fee Transmittal and Copy of Fee Transmittal.

CORRESPONDENCE ADDRESS	SIGNATURE BLOCK
<p>Direct all correspondence to: Patent Administrator Testa, Hurwitz & Thibault, LLP High Street Tower 125 High Street Boston, MA 02110 Tel. No.: (617) 248-7000 Fax No.: (617) 248-7100</p>	<p>Respectfully submitted,</p> <p> William R. Haulbrook, Ph.D. Attorney for Applicants Testa, Hurwitz & Thibault, LLP High Street Tower 125 High Street Boston, MA 02110</p> <p>Date: May 26, 2004 Reg. No. 53,002 Tel. No.: (617) 310-8427 Fax No.: (617) 248-7100</p>

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05-27-021

RCE
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TRANSMITTAL
FORM

Application Serial Number	09/841,325
Filing Date	April 24, 2001
First Named Inventor	Modell et al.
Group Art Unit	3737
Examiner Name	Smith, Ruth S.
Attorney Docket No.	MDS-009CN
Patent No.	Not applicable
Issue Date	Not applicable

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ENCLOSURES (check all that apply)

- | | | |
|---|--|--|
| <input checked="" type="checkbox"/> Fee Transmittal Form
<input checked="" type="checkbox"/> 2 Checks Attached
<input checked="" type="checkbox"/> Copy of Fee Transmittal Form

<input checked="" type="checkbox"/> Amendment/Response
<input type="checkbox"/> Preliminary
<input type="checkbox"/> After Final
<input type="checkbox"/> Affidavits/declaration(s)
<input type="checkbox"/> Letter to Official Draftsperson including Drawings [Total Sheets ____]

<input checked="" type="checkbox"/> Petition for Extension of Time

<input checked="" type="checkbox"/> Sixth Supplemental Information Disclosure Statement
<input checked="" type="checkbox"/> Form PTO-1449
<input checked="" type="checkbox"/> Copies of IDS Citations (A218-A231, B31-B34, C108-C110)

<input type="checkbox"/> Certified Copy of Priority Document(s)

<input type="checkbox"/> Sequence Listing submission
<input type="checkbox"/> Paper Copy/CD
<input type="checkbox"/> Computer Readable Copy
<input type="checkbox"/> Statement verifying identity of above | <input type="checkbox"/> Copy of Notice to File Missing Parts of Application

<input type="checkbox"/> Formal Drawing(s)

<input checked="" type="checkbox"/> Request For Continued Examination (RCE) Transmittal

<input type="checkbox"/> Power of Attorney (Revocation of Prior Powers)

<input type="checkbox"/> Terminal Disclaimer

<input type="checkbox"/> Executed Declaration and Power of Attorney for Utility or Design Patent Application

<input type="checkbox"/> Small Entity Statement

<input type="checkbox"/> CD(s) for large table or computer program

<input type="checkbox"/> Amendment After Allowance

<input type="checkbox"/> Request for Certificate of Correction
<input type="checkbox"/> Certificate of Correction (in duplicate) | <input type="checkbox"/> Notice of Appeal to Board of Patent Appeals and Interferences

<input type="checkbox"/> Appeal Brief (in triplicate)

<input type="checkbox"/> Status Inquiry

<input checked="" type="checkbox"/> Return Receipt Postcard

<input type="checkbox"/> Certificate of First Class Mailing under 37 C.F.R. 1.8

<input type="checkbox"/> Certificate of Facsimile Transmission under 37 C.F.R. 1.8

<input type="checkbox"/> Additional Enclosure(s) (please identify below) |
|---|--|--|

CORRESPONDENCE ADDRESS

Direct all correspondence to: Patent Administrator
Testa, Hurwitz & Thibault, LLP
High Street Tower
125 High Street
Boston, MA 02110
Tel. No.: (617) 248-7000
Fax No.: (617) 248-7100

SIGNATURE BLOCK

Respectfully submitted,

Date: May 26, 2004
Reg. No. 53,002
Tel. No.: (617) 310-8427
Fax No.: (617) 248-7100

William R. Haulbrook
William R. Haulbrook, Ph.D.
Attorney for Applicants
Testa, Hurwitz & Thibault, LLP
High Street Tower
125 High Street
Boston, MA 02110

FREE TRANSMITTAL
FY 2004

Complete if Known

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First Named Inventor	Modell
Group Art Unit	3737
Examiner Name	Smith, Ruth S.
Attorney Docket No.	MDS-009CN

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METHOD OF PAYMENT

1. ☒ Payment Enclosed:
☒ Check ☐ Money Order ☐ Other
2. ☒ The Commissioner is hereby authorized to credit or charge any fee indicated below for this submission to Deposit Account No. 20-0531.
☐ Required Fees (copy of this sheet enclosed).
☒ Additional fee required under 37 CFR 1.16 and 1.17.
☒ Overpayment Credit.
3. ☒ Applicant claims small entity status.

FEE CALCULATION**1. FILING FEE****Large Entity**

Fee (\$)	Fee Description	Fee Paid
770	Utility filing fee	
340	Design filing fee	
160	Provisional filing fee	

Number Filed	Number Extra	Rate	Amount
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Total Claims - 20 = x \$ 18.00 =

Independent Claims - 3 = x \$ 86.00 =

☐ Multiple Dependent Claim(s), if any \$290.00 =

TOTAL:

SMALL ENTITY DISCOUNT:

SUBTOTAL (1) (\$) 0.00

2. AMENDMENT CLAIM FEES

Claims Remaining After Amend.	Highest No. Previously Paid For	Present Extra	Rate	Fee Paid
Total 42	- 20 =	22	x \$ 18.00 =	396.00
Indep. 2	- 3 =	0	x \$ 86.00 =	0.00
<input type="checkbox"/> First Presentation of Multiple Dep. Claim			+ \$290.00 =	0.00

TOTAL: (\$) 396.00

SMALL ENTITY DISCOUNT: (\$) 198.00

SUBTOTAL (2) (\$) 198.00

FEE CALCULATION (continued)**3. ADDITIONAL FEES**

Large Entity Fee (\$)	Small Entity Fee (\$)	Fee Description	Fee Paid
130	65	Surcharge - late filing fee or oath	
50	25	Surcharge - late provisional filing fee or cover sheet	
130	130	Non-English specification	
2,520	2,520	Request for ex parte reexamination	
110	55	Extension for reply within first month	55.00
420	210	Extension for reply within second month	
950	475	Extension for reply within third month	
1480	740	Extension for reply within fourth month	
2010	1005	Extension for reply within fifth month	
330	165	Notice of Appeal	
330	165	Filing a brief in support of an appeal	
290	145	Request for oral hearing	
130	130	Petitions to the Commissioner	
180	180	Submission of Information Disclosure Statement	
770	385	Filing a submission after final rejection (37 CFR 1.129(a))	
770	385	For each additional invention to be examined (37 CFR 1.129(b))	
100	100	Certificate of Correction for applicant's error	
110	55	Submission of Terminal Disclaimer	
Other fee (Specify)		Request for Continued Examination	385.00
Other fee (Specify)			

SUBTOTAL (3) (\$) 440.00

SUBTOTAL (1) 0.00

SUBTOTAL (2) 198.00

SUBTOTAL (3) 440.00

TOTAL (\$) 638.00

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Respectfully submitted,

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William R. Haulbrook
 William R. Haulbrook, Ph.D.
 Attorney for Applicants
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 125 High Street
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